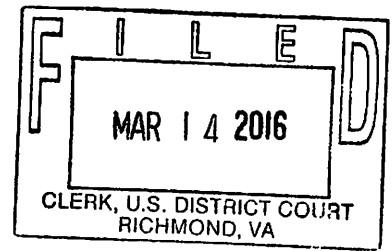


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DAQUAN CHARLIE BARNER,

Plaintiff,

v.

Civil Action No. **3:15CV648**

SGT. B. ALLEN, et al.,

Defendants.

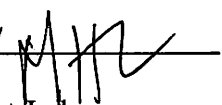
MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, brings this action. Because Plaintiff complied with the Court's directives by Memorandum Order entered on January 20, 2016, the Court filed the action and granted Plaintiff leave to proceed *in forma pauperis*. On January 28, 2016, the United States Postal Service returned the Court's January 20, 2016 Memorandum Order to the Court. On the envelope, the institution noted that "Offender refused this item." (ECF No. 9, at 3.) Thus, the Court questioned whether Plaintiff wished to continue to prosecute this action. By Memorandum Order entered on February 3, 2016, the Court directed Plaintiff, within eleven (11) days of the date of entry thereof, to notify the Court of his desire to continue with this action. The Court warned that failure to comply with the above directive would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b).

More than eleven (11) days have elapsed since the entry of the February 3, 2016 Memorandum Order and Plaintiff has not responded. Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall accompany this Memorandum Opinion.

Date: **MAR 14 2016**
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge